
**Shoreline Protection Project
Pleasant Point
Perry, Maine**

Operation and Maintenance Manual

October 1988



**US Army Corps
of Engineers**
New England Division

**OPERATION AND MAINTENANCE MANUAL
EMERGENCY SHORELINE PROTECTION PROJECT
PLEASANT POINT
PERRY, MAINE**

FOREWORD

The Perry shoreline protection project was designed and constructed to stabilize the shoreline and reduce the threat of erosion along Pleasant Point Reservation. The successful functioning of the shoreline stabilization works is not assured solely by the construction of the stone slope protection along the shoreline since the forces of nature, in this case, ocean currents, tidal action and ice movement continuously attack the project area. If the system is to perform the functions for which it was designed, it must be carefully maintained not only during periods of normal tidal stages, but also during subsequent flood periods.

The purpose of this manual is to provide information regarding actual maintenance procedures and outline the responsibilities of the parties involved. In general, the regulations designate non-Federal interests as having responsibility for operation and maintenance of the project. Therefore, the Passamaquoddy Tribe should assure that several local individuals be familiar with this project and have a thorough understanding of the recommended methods of maintaining the system.

The general flood control Regulations for Operation and Maintenance of Flood Control Works quoted herein were approved by the acting Secretary of War on August 9, 1944. Established by the Department of Defense, the improvement of rivers and harbors and other waterways for flood control and other purposes, formerly under jurisdiction of the Secretary of War, became the responsibility of the Secretary of the Army. References herein to the Secretary of War and War Department shall be construed to mean, respectively, the Secretary of the Army and the Department of the Army. Where reference is made to the District Engineer in the Regulations included in this manual, it shall be construed to mean the Division Engineer, New England Division, Corps of Engineers.

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PERRY, MAINE**

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SECTION I

INTRODUCTION

1. AUTHORIZATION

The construction of the shoreline stabilization project along Pleasant Point in Perry, Maine, was authorized by the Chief of Engineers on July 31, 1986, pursuant to the authority contained in Section 14 of the 1946 Flood Control Act as amended. Federal assistance came as a result of a request from the Passamaquoddy Tribe of the Pleasant Point Indian Reservation.

2. LOCATION

The town of Perry is located along the coast of northeastern Maine about 125 miles east of Bangor, Maine and 20 miles south of Calais, Maine. New Brunswick, Canada is located directly across the Western Passage of Passamaquoddy Bay. The Pleasant Point Indian Reservation, also known as the Passamaquoddy Reservation, is located along the Western Passage of Passamaquoddy Bay in the eastern section of Perry.

3. DESCRIPTION OF DAMAGE

The problem area was located on the eastern shore of Pleasant Point, an area which had been subjected to erosion from ocean currents (up to 3.5 feet per second), ice movements, and tidal fluctuations. Here the mean tide range is 18.4 feet which is the highest tide range in the United States. Land use in the project area, which covers about 100 acres of land, includes publicly owned residential homes, an elderly housing project, a church and a sewage treatment facility. The erosive forces had attack the shoreline to the point where two of the homes were within 10 feet of the eroding bank. A 1986 storm had caused the loss of two porch stairway foundations by high wave action. The residential homes along the shoreline were in immediate danger while the other facilities located on Pleasant Point are set back from the shoreline.

4. DESCRIPTION OF PROJECT

The shoreline stabilization project consists of stone slope protection placed along 800 feet of eroding shoreline on Pleasant Point. The protection consists of 2.5-foot layer of stone protection (maximum weight: 1300 pounds) placed over a 1-foot layer of stone bedding and a 1-foot layer of gravel bedding, constructed on a slope of 2 horizontal to 1 vertical. The slope extends from about mean high tide (Elevation 9 feet National Geodetic Vertical Datum) up to the height of the expected storm wave run-up estimated at about 8 feet. A gravel walkway (former railway bed) runs along the berm at the top of the stone protection for the entire 800 feet.

5. PROTECTION PROVIDED

The stone slope provides protection to the shoreline against a storm tide elevation of 14 feet N.G.V.D. with a wave run-up of 4 feet. The stone layers are sufficient to withstand wave action and ice flow movements that are found in the Western Passage during the late winter and early spring seasons.

6. CONSTRUCTION HISTORY

The project was constructed by Thomas DiCenzo of Calais, Maine during the period from December, 1986 to February, 1987 at a cost of \$127,000.

7. ASSURANCES OF LOCAL COOPERATION

The Army Corps of Engineers and the Pleasant Point Passamaquoddy Tribal Counsel entered into a local cooperation agreement for this shoreline stabilization project on August 11, 1986. The agreement provides for the local sponsor to, among other required responsibilities, maintain the project after its completion without cost to the Federal Government. A copy of the formalized local assurances is included as Appendix B.

8. PLANS

A reduced size drawing showing the project as actually constructed is included as Appendix D.

SECTION II

GENERAL REGULATIONS

9. PURPOSE OF THIS MANUAL

The purpose of this manual is to present detailed information to be used as a guide in complying with "Flood Control Regulations - Maintenance and Operation of Flood Control Works" as approved by the Acting Secretary of War on August 9, 1944, and published in this volume as Appendix A. In executing assurances of local cooperation, the Passamaquoddy Tribal Counsel has agreed to maintain and operate the completed works in accordance with these regulations. The regulations which are intended to cover all local protection projects constructed by the Department of the Army throughout the United States are general in nature, and obviously cannot give detailed instructions for the maintenance and operation of a specific project. The details set forth in this manual for maintenance and operation for the Pleasant Point project are intended to supplement the regulations to permit obtaining all the benefits and protection against erosion for which the project was designed. Failure to maintain and operate the project as required by the regulations and as detailed herein could cause property losses and could result in an irreparable loss of confidence in the bank protection system.

10. GENERAL RULES AND REGULATIONS

Paragraph 208.10 (a) of the regulations prescribed by the Secretary of War gives general rules for the maintenance and operation of structures and facilities constructed by the United States for local protection. Applicable portions are quoted below to avoid the necessity for cross reference and are further defined by remarks under each quotation.

"(1) The structures and facilities constructed by the United States for local flood protection shall be continuously maintained in such a manner and operated at such times and for such periods as may be necessary to obtain the maximum benefits;"

These requirements cannot be overstressed, and the tribal authorities must make adequate provisions for funds, personnel, equipment and materials to allow for the proper maintenance and operation of the shoreline protective works.

"(2) The State, political subdivision thereof, or other responsible local agency, which furnished assurance that it will maintain and operate flood control works in accordance with the regulations prescribed by the Secretary of War, as required by law, shall appoint a permanent committee consisting of or headed by an official hereinafter called the "Superintendent", who shall be responsible for the development and maintenance of, and directly in charge of, an organization responsible for the efficient operation and maintenance of all of the structures and facilities during flood periods and for continuous inspection and maintenance of the project works during periods of low water, all without cost to the United States;"

The committee should be composed of competent members, preferably persons experienced in engineering or construction works. The committee must be given broad authority to carry out its responsibilities. The name, address and office and home telephone numbers of the Superintendent, and any changes thereof, shall be promptly furnished to the Division Engineer, New England Division, Corps of Engineers.

(3) N/A

"(4) No encroachment or trespass which will adversely affect the efficient operation or maintenance of the project works shall be permitted upon the right-of-ways for the protective facilities;"

Right-of-ways and easements have been established for which access to the project can be provided in order to allow equipment which may be necessary to perform the maintenance of the project. These right-of-ways must be kept open at all times.

"(5) No improvement shall be passed over, under, or through the walls, levees, improved channels or floodways, nor shall any excavation or construction be permitted within the limits of the project right-of-ways, nor shall any change be made in any feature of the works without prior determination by the District Engineer of the War Department or his authorized representative that such improvement, excavation, construction, or alteration will not adversely affect the functioning of the protective facilities. Such improvements or alterations as may be found to be desirable and permissible under the above determination shall be constructed in accordance with standard engineering practice. Advice regarding the effect of proposed improvements or alterations on the functioning of the project and information concerning methods of construction acceptable under standard engineering practice shall be obtained from the District Engineer or, if otherwise obtained, shall be submitted for his approval. Drawings or prints showing such improvements or alterations as finally constructed shall be furnished the District Engineer after completion of the work;"

Any contemplated improvements or alterations as outlined above must be submitted to the U.S. Army Corps of Engineers, New England Division, Waltham, Massachusetts, and the approval of the Division Engineer obtained prior to the tribal authorizing the work. All requests for approval shall be in writing and complete drawings in duplicate. One set, which shall be in reproducible form, must be submitted along with a full description of the work intended. The Tribal Counsel will be held responsible for obtaining prior approval from the Corps of Engineers for any improvements or alterations proposed by itself, private parties or any public parties. The Tribal Counsel shall furnish the Division Engineer as-built drawings, in duplicate, of the completed work.

"(6) It shall be the duty of the Superintendent to submit a semi-annual report to the District Engineer covering inspection, maintenance, and operation of the protective works;"

See paragraph 13 of this SECTION for instructions on submitting reports.

"(7) The District Engineer or his authorized representatives shall have access at all times to all portions of the protective works;"

The Division Engineer or his representatives will make periodic inspections of the protective works to determine if the project is being properly maintained and operated by the Tribal Counsel.

"(8) Maintenance measures or repairs which the District Engineer deems necessary shall be promptly taken or made;"

The Tribal Counsel should maintain the facilities and keep them in good repair and not wait for the Division Engineer to call such matters to its attention. Upon request, the Division office will advise the Tribal Counsel how to make any major repairs to the facilities.

"(9) Appropriate measures shall be taken by local authorities to insure that the activities of all local organizations operating public or private facilities connected with the protective works are coordinated with those of the Superintendent's organization during flood periods;"

The project is designed to provide bank stabilization and to protect the homes against structural failure. It does not provide protection against flooding and therefore, it may be necessary to curtail uses during periods of flooding.

"(10) The War Department will furnish local interests with an Operation and Maintenance Manual for each completed project, or separate useful part thereof, to assist them in carrying out their obligations under these regulations;"

The flood control committee should familiarize itself with the contents of this manual. The tribal authorities are encouraged to call on the Division Office of the Corps of Engineers for any additional advice or instructions required by them in carrying out the Tribal Counsel's obligations for maintaining and operating the protection facilities.

11. MAINTENANCE

a. The word "maintenance" as used in this manual applies to the upkeep, repair, replacement and care of the work constructed by the United States and turned over to the Tribal Counsel. If the maintenance is neglected there will be deterioration and possible structural failure in flood time.

b. Maintenance includes a regular walking inspection over the entire system. The purpose of the inspection is to detect any deterioration of project features that indicates a need for repair or replacement of the stone slope protection along the shoreline.

12. OPERATION

a. The term "operation" as used in this manual, refers to the actual functions of the various features of the stone protection works during abnormal high tide stages.

b. When abnormal tide stages are expected, it is important that the Superintendent make immediate decisions, take prompt action and have the authority to carry out his decisions to insure proper continued operation of the protection work.

c. To insure correct operation, the following items are considered to be essential:

(1) At least one person (preferably 2 or 3) be familiar with the protection works including the various types of materials comprising the shoreline protection works.

(2) The sources of these materials should be established ahead of time. If possible a small amount of each type of material should be stockpiled nearby for quick use.

(3) Sufficient loading, hauling and placing equipment should be readily available for providing and placing the repair materials.

(4) Sufficient experienced personnel should be readily available for inspecting and performing the repair work.

13. REPORTS

a. The regulations prescribed by the Secretary of the Army call for semi-annual reports to be submitted by the Superintendent to the Division Engineer covering inspection and maintenance. Inspection of the protective facilities shall be made immediately following floods and otherwise at intervals not exceeding 90 days as required by regulations.

b. To assist the Superintendent in making his inspection, a sample form is included in Appendix C. The Superintendent shall have additional copies printed for use in submitting his reports.

c. The semi-annual reports shall be submitted in triplicate to the Division Engineer each May and November. The reports will be submitted in letter form with copies of the inspection forms covering the inspections made during the period of the reports. The reports shall cover the following points:

(1) A description of the maintenance work performed in the preceding six months.

(2) The number and classification of men working on maintenance, regularly and intermittently.

(3) Description of any work performed by contract on the repair or improvements of the project.

SECTION III

SHORELINE PROTECTION WORK

14. DESCRIPTION

The shoreline stabilization work consists of construction of 800 feet of stone slope protection along the eastern shore of Pleasant Point along the Western Passage of Passamaquoddy Bay in Perry, Maine.

15. MAINTENANCE

Paragraph 208.10(g) (1) of the prescribed regulations sets forth rules for the maintenance of channels and floodways. These rules, which are also applicable to shoreline protection works, are quoted below, followed by brief comments where applicable to clarify these rules as they apply to the project.

"Channels and Floodways. - (1) Maintenance. - Periodic inspections of improved channels and floodways shall be made by the Superintendent to be certain that:"

(i) N/A

(ii) N/A

(iii) N/A

"(iv) Banks are not being damaged by rain or wave wash and that no sloughing of banks has occurred;"

Banks shall be inspected for damage by rain or wave wash or by sloughing and repaired promptly using materials similiar to that used in their original construction. Inspections shall be made at intervals not to exceed 90 days. Immediate steps will be taken to remedy any adverse conditions disclosed by such inspections.

"(v) Riprap sections are in good condition;"

The stone slope protection must be maintained in good condition to resist erosion. Any damage or loss of stone due to slides or vandalism must be promptly corrected. Periodic checks should be made of the stone slope to detect movement, damage or losses; and prompt corrective action should be taken. Such inspection shall be made at intervals not to exceed 90 days. Immediate steps will be taken to remedy any adverse conditions disclosed by such inspections.

16. OPERATION

Paragraph 208.10(g) (2) of the prescribed regulations gives rules for operation of channel and floodways. These rules, which are also applicable to shoreline protection works, are paraphrased below with regard to the project.

(1) Operation. The project shall be inspected during periods of high tide, and measures shall be taken to protect those reaches being attacked by the current or by wave wash. The project shall be thoroughly inspected immediately following each major high water period. As soon as practicable thereafter, all snags and other debris shall be removed and all damage to the stone slope protection shall be repaired.

(2) Operations Restrictions. Maintenance work on the stone slope protection, such as removal of debris and replacement of stone slope materials, should be accomplished from the bottom of the slope.

APPENDIX A

**REGULATIONS PRESCRIBED
BY THE
SECRETARY OF THE ARMY**

TITLE 33-NAVIGATION AND NAVIGABLE WATERS

Chapter II-Corps of Engineers War Department-Part 208-Flood Control Regulations Maintenance and Operation of Flood Control Works

(Retyped verbatim from
original document)

Pursuant to the provisions of Section 3 of the Act of Congress approved June 22, 1936, as amended and supplemented (49 Stat. 1571; 50 Stat. 877; and 55 Stat. 638; 33 U.S.C. 701c; 701c-1), the following regulations are hereby prescribed to govern the maintenance and operation of flood control works:

208.10 Local flood protection works; maintenance and operation of structures and facilities- (a) *General.*

(1) The structures and facilities constructed by the United States for local flood protection shall be continuously maintained in such a manner and operated at such times and for such periods as may be necessary to obtain the maximum benefits.

(2) The State, political subdivision thereof, or other responsible local agency, which furnished assurance that it will maintain and operate flood control works in accordance with the regulations prescribed by the Secretary of War, as required by law, shall appoint a permanent committee consisting of or headed by an official hereinafter called the "Superintendent", who shall be responsible for the development and maintenance of, and directly in charge of, an organization responsible for the efficient operation and maintenance of all of the structures and facilities during flood periods and for continuous inspection and maintenance of the project works during periods of low water, all without cost to the United States.

(3) A reserve supply of materials needed during a flood emergency shall be kept on hand at all times.

(4) No encroachment or trespass which will adversely affect the efficient operation or maintenance of the project works shall be permitted upon the rights-of-way for the protective facilities.

(5) No improvement shall be passed over, under, or through the walls, levees, improved channels or floodways, nor shall any excavation or construction be permitted within the limits of the project right-of-way, nor shall any change be made in any feature of the works without prior determination by the District

Engineer of the War Department or his authorized representative that such improvement, excavation, construction, or alteration will not adversely affect the functioning of the protective facilities. Such improvements or alterations as may be found to be desirable and permissible under the above determination shall be constructed in accordance with standard engineering practice.

Advice regarding the effect of proposed improvements or alterations on the functioning of the project and information concerning methods of construction acceptable under standard engineering practice shall be obtained from the District Engineer or, if otherwise obtained, shall be submitted for his approval.

Drawings or prints showing such improvements or alterations as finally constructed shall be furnished the District Engineer after completion of the work.

(6) It shall be the duty of the Superintendent to submit a semi-annual report to the District Engineer covering inspection, maintenance, and operation of the protective works.

(7) The District Engineer or his authorized representatives shall have access at all times to all portions of the protective works.

(8) Maintenance measures or repairs which the District Engineer deems necessary shall be promptly taken or made.

(9) Appropriate measures shall be taken by local authorities to insure that the activities of all local organizations operating public or private facilities connected with the protective works are coordinated with those of the Superintendent's organization during flood periods.

(10) The War Department will furnish local interests with an Operation and Maintenance Manual for each completed project, or separate useful part thereof, to assist them in carrying out their obligations under these regulations.

(b) *Levees - (1) Maintenance.*
The Superintendent shall provide at all times such maintenance as may be required to insure serviceability of the structures in time of flood. Measures shall be taken to promote the growth of sod, exterminate burrowing animals, and to provide for routine mowing of the grass and weeds, removal of wild growth and drift deposits, and repair of damage caused by erosion or other forces. Where practicable, measures shall be taken to retard bank erosion by planting of willows or other suitable

growth areas riverward of the levees. Periodic inspections shall be made by the Superintendent to insure that the above maintenance measures are being effectively carried out and further, to be certain that:

(i) No unusual settlement, sloughing, or material loss of grade or levee cross-section has taken place;

(ii) No caving has occurred on either the land side or the river side of the levee which might affect the stability of the levee section;

(iii) No seepage, saturated areas, or sand boils are occurring;

(iv) Toe drainage systems and pressure relief wells are in good working condition, and that such facilities are not becoming clogged;

(v) Drains through the levees and gates on said drafters are in good working condition;

(vi) No revetment work or riprap has been displaced, washed out, or removed;

(vii) No action is being taken, such as burning grass and weeds during appropriate seasons, which will retard or destroy the growth of the sod;

(viii) Access roads to and on the levee are being properly maintained;

(ix) Cattle guards and gates are in good condition;

(x) Crown of levee is shaped so as to drain readily, and roadway thereon, if any, is well shaped and maintained;

(xi) There is no unauthorized grazing or vehicular traffic on the levees;

(xii) Encroachments are not being made on the levee right-of-way which might endanger the structure or hinder its proper and efficient functioning during times of emergency.

Such inspections shall be made immediately prior to the beginning of the flood season; immediately following each major high water period, and otherwise at intervals not exceeding 90 days, and such immediate times as may be necessary to insure the best possible care of the levee. Immediate steps will be taken to correct dangerous conditions disclosed by such inspections. Regular maintenance repair measures shall be accomplished during the appropriate season as scheduled by the Superintendent.

(2) *Operation.* During flood periods the levee shall be patrolled continuously to locate possible sand boils or unusual wetness of the landward slope and to be certain that:

(i) There are no indications of slides or sloughs developing;

(ii) Wave wash or scouring action is not occurring;

(iii) No low reaches of levee exist which may be overtopped;

(iv) No other conditions exist which might endanger the structure.

Appropriate advance measures will be taken to insure the availability to adequate labor and materials to meet all contingencies. Immediate steps will be taken to control any condition which endangers the levee and to repair the damaged section.

(c) *Flood walls - (1) Maintenance.* Periodic inspections shall be made by Superintendent to be certain that:

(i) No seepage, saturated areas, or sand boils are occurring;

(ii) No undue settlement has occurred which affects the stability of the wall or its water tightness;

(iii) No trees exist, the roots of which might extend under the wall & offer accelerated seepage paths;

(iv) The concrete has not undergone cracking, chipping, or breaking to an extent which might affect the stability of the wall or its water tightness;

(v) There are no encroachments upon the right-of-way which might endanger the structure or hinder its functioning in time of flood;

(vi) Care is being exercised to prevent accumulation of trash and debris adjacent to walls, and to insure that no fires are being built near them;

(vii) No bank caving conditions exist riverward of the wall which might endanger its stability;

(viii) Toe drainage systems and pressure relief wells are in good working condition, and that such facilities are not becoming clogged.

Such inspections shall be made immediately prior to the beginning of the flood season, immediately following each major high water period, and otherwise at intervals not exceeding 90 days. Measures to eliminate encroachments and effect repairs found necessary by such inspections shall be undertaken immediately. All repairs shall be accomplished by methods acceptable in standard engineering practice.

(2) *Operation.* Continuous patrol of the wall shall be maintained during flood periods to locate possible leakage at monolith joints or seepage underneath the wall. Floating plant or boats will not be allowed to lie against or tie up to the wall. Should it become necessary during a flood emergency to pass anchor cables over the wall, adequate measures shall be taken to protect

the concrete and construction joints. Immediate steps shall be taken to correct any conditions which endanger the stability of the wall.

(d) *Drainage structures - (1) Maintenance.* Adequate measures shall be taken to insure that inlet and outlet channels are kept open and that trash, drift, or debris is not allowed to accumulate near drainage structures. Flap gates and manually operated gates and valves on drainage structures shall be examined, oiled, and trial operated at least once every 90 days. Where drainage structures are provided with stop log or other emergency closures, the condition of the equipment and its housing shall be inspected regularly and a trial installation of the emergency closure shall be made at least once each year. Periodic inspections shall be made by the Superintendent to be certain that:

(i) Pipes, gates, operating mechanisms, riprap, and headwalls are in good condition;

(ii) Inlet and outlet channels are open;

(iii) Care is being exercised to prevent the accumulation of trash and debris near the structures in that no fires are being built near bituminous coated pipes;

(iv) Erosion is not occurring adjacent to the structures which might endanger its water tightness or stability.

Immediate steps will be taken to repair damage, replace missing or broken parts, or remedy adverse conditions disclosed by such inspections.

(2) *Operation.* Whenever high water conditions impede, all gates will be inspected a short time before water reaches the invert of the pipe and any object which might prevent closure of the gate shall be removed. Automatic gates shall be closely observed until it has been ascertained that they are securely closed. Manually operated gates and valves shall be closed as necessary to prevent inflow of flood water. All drainage structures and levees shall be inspected frequently during floods to ascertain whether seepage is taking place along the lines of their contact with the embankment. Immediate steps shall be taken to correct any adverse conditions.

(e) *Closure structures - (1) Maintenance.* Closure structures for the traffic openings shall be inspected by the Superintendent every 90 days to be certain that:

(i) No parts are missing;

(ii) Metal parts are adequately covered with paint;

(iii) All moveable parts are in satisfactory working order;

(iv) Proper closure can be made promptly when necessary;

(v) Sufficient materials are on hand for the erection of sandbag closures and that the location of such materials will be readily accessible in times of emergencies.

Tools and parts shall not be removed for other use. Trial erections of one or more closure structures shall be made once each year, alternating the structures chosen so that each gate will be erected at least once in each three-year period. Trial erections of all closure structures shall be made whenever a change is made in key operating personnel. Where railroad operation makes trial erection of a closure structure in feasible, rigorous inspection and drill of operating personnel may be substitute therefore. Trial erection of sandbag closures is not required. Closure materials will be carefully checked prior to and following flood periods, and damaged or missing parts shall be repaired or replaced immediately.

(2) *Operation.* Erection of each moveable closure shall be started in sufficient time to permit completion before flood waters reach the top of the structure sill. Information regarding the proper method of erecting each individual closure structure, together with an estimate of the time required by an experienced crew to complete its erection will be given in the Operation and Maintenance Manual which will be furnished local interests upon completion of the project. Closure structures will be inspected frequently during flood periods to ascertain that no undue leakage is occurring and that drains provided to care for the ordinary leakage are functioning properly. Boats or floating plant shall not be allowed to tie up to closure structures or to discharge passengers or cargo over them.

(f) *Pumping plants -*

(1) *Maintenance.* Pumping plants shall be inspected by the Superintendent at intervals not to exceed 30 days during flood seasons and 90 days during off-flood seasons to insure that all equipment is in order for instant use. At regular intervals, proper measures shall be taken to provide for cleaning plant, buildings, and equipment, repainting as necessary, and lubricating all machinery. Adequate supplies of lubri-

cants for all types of machine, fuel for gasoline or diesel powered equipment, and flashlights or lanterns for emergency lighting shall be kept on hand at all times. Telephone service shall be maintained at pumping plants. All equipment, including switch gear, transformers, motors, pumps, valves, and gates shall be trial operated and checked at least once every 90 days. Megger tests of all insulation shall be made whenever wiring has been subject to undue dampness and otherwise at intervals not to exceed one-year period. A record shall be kept showing the results of such test period. Wiring disclosed to be in an unsatisfactory condition by such tests shall be brought to a satisfactory condition or shall be properly replaced. Diesel and gasoline engines shall be started at such intervals and allowed to run for such length of time as may be necessary to insure their service ability in times and emergencies. Only skilled electricians and mechanics shall be employed on test and repairs. Operating personnel for the plant shall be present during tests. Any equipment removed from the station for repair or replacement shall be repaired or replaced as soon as practicable and shall be trial operated after reinstallation. Repairs requiring removal of equipment from the plant shall be made during off-flood seasons insofar as practicable.

(2) *Operation.* Competent operators shall be on duty at pumping plants whenever it appears that necessity for pump operation is imminent. The operator shall thoroughly inspect, trial operate, and place in readiness all plant equipment. The operator shall be familiar with the equipment manufacturers' instructions and drawings and with the "Operating Instructions" for each station. The equipment shall be operated in accordance with the above hyphenated mentioned "Operation Instructions" and care shall be exercised that proper lubrication is being supplied all equipment, and that no overheating, undue vibration or noise is occurring. Immediately upon final recession of flood waters, the pumping station shall be thoroughly cleaned, pumphouse sumps flushed, and equipment thoroughly inspected, oiled and greased. A record or log of pumping plant operation shall be kept for each station, a copy of which shall be furnished to the District Engineer following each flood.

(g) *Channels and Floodways -*

(1) *Maintenance.* Periodic inspections of improved channels and floodways shall be made by the Superintendent to be certain that:

(i) The channel or floodway is clear of debris, weeds, and wild growth;

(ii) The channel or floodway is not being restricted by the depositing of waste material, building of unauthorized structures or encroachments;

(iii) The capacity of the channel or floodway is not being reduced by the formation of shoals;

(iv) Banks are not being damaged by rain or wave wash, and that no sloughing of banks has occurred;

(v) Riprap sections and deflection dikes and walls are in good condition;

(vi) Approach and egress channels adjacent to the improved channel or floodway are sufficiently clear of obstructions and debris to permit proper functioning of the project works.

Such inspections shall be made prior to the beginning of the flood season and otherwise intervals not to exceed 90 days. Immediate steps will be taken to remedy any adverse conditions disclosed by such inspections. Measures will be taken by the Superintendent to promote the growth of grass on bank slopes and earth deflection dikes. The Superintendent shall provide for periodic repair and cleaning of debris basins, check dams, and related structures as may be necessary.

(2) *Operations.* Both banks of the channel shall be patrolled during periods of high waters and measures shall be taken to protect those reaches being attacked by the current or by wave wash. Appropriate measures shall be taken to prevent the formation of jams of ice or debris. Large objects which become lodged against the bank shall be removed. The improved channel or floodway shall be thoroughly inspected immediately following each major high water period. As soon as practicable thereafter, all snags and other debris shall be removed and all damage to the banks, riprap, deflection dikes and walls, drainage outlets, or other flood control structures repaired.

(h) *Miscellaneous Facilities -* (1) *Maintenance.* Miscellaneous structures and facilities constructed as part of the protective works and other structures and facilities which function as a part of, or affect the efficient functioning of the protective works, shall be periodically inspect-

ed by the Superintendent and the appropriate maintenance measures taken. Damaged or unserviceable parts shall be repaired or replaced without delay. Areas used for ponding in connection with pumping plants or for temporary storage of interior runoff during flood period shall not be allowed to become filled with silt, debris, or dumped material. The Superintendent shall take proper steps to prevent restriction of bridge openings and, where applicable, shall provide temporary raising during floods of bridges which restrict channel capacities during high flows.

(2) *Operation.* Miscellaneous facilities shall be operated to prevent or reduce flooding during periods of high water. Those facilities constructed as part of the protective works shall not be used for purposes other than flood protection without approval of the District Engineer unless designed therefore.

(49 Stat. 1571, 50 Stat. 877; and 55 Stat. 638; 33 U.S.C. 701c; 701c-1) (Regs. 9 August 1944, CE SPEWF)

[SEAL] J.A. ULIO

Major General

The Adjutant General

[F.R. Doc 44-12255; Filed, August 16, 1944; 9:44 a.m.]

APPENDIX B

**ASSURANCES OF LOCAL
COOPERATION**

AGREEMENT BETWEEN
THE UNITED STATES OF AMERICA
AND
THE PASSAMAQUODDY TRIBE
FOR LOCAL COOPERATION
AT PLEASANT POINT
EMERGENCY SHORELINE PROTECTION PROJECT
PASSAMAQUODDY BAY
PERRY, MAINE

THIS AGREEMENT entered into this 14th day of July
, 1986 by and between the UNITED STATES OF
AMERICA (hereinafter called the "Government"), represented by
the Contracting Officer executing this Agreement, and the
PASSAMAQUODDY TRIBE (hereinafter called the "Tribe"), acting
by and through its Governor, WITNESSETH THAT:

WHEREAS, construction of the Pleasant Point emergency
shoreline protection project at Passamaquoddy Bay in Perry,
Maine, consisting of stone slope protection along 800 linear
feet of shoreline at the West Passage of Passamaquoddy Bay
(hereinafter called the "Project"), was approved by the Chief
of Engineers on 31 July 1986, under authority
granted by Section 14 of the 1946 Flood Control Act, Public
Law 79-526 (33 U.S.C. 701r), as amended by Section 27 of the
Water Resources Development Act of 1974, Public Law 93-251,
approved 7 March 1974; and

WHEREAS, the Tribe hereby represents that it has the authority and capability to furnish the non-Federal cooperation required by the Federal legislation authorizing the project and by other applicable law.

NOW, THEREFORE, the parties agree as follows:

1. The Tribe agrees that if the Government shall commence construction of the emergency shoreline protection project along Passamaquoddy Bay, Perry, Maine, substantially in accordance with the approval of the Chief of Engineers under authority of Section 14 of the 1946 Flood Control Act, Public Law 79-526, as amended, the Tribe shall in consideration of the Government commencing construction of such project fulfill the requirements of non-Federal cooperation specified in such legislation, to wit:

a. Provide, without cost to the Government, all lands, easements, rights-of-way and utility relocations necessary for project construction.

b. Hold and save the Government free from damages due to the construction, operation and maintenance of the project except where such damages are due to the fault or negligence of the Government or its contractors.

c. Maintain and operate the project after its completion without cost to the Government in accordance with regulations prescribed by the Secretary of the Army. Annual operation and maintenance costs are currently estimated to be \$500.00.

d. Assume full responsibility for all costs in excess of the Federal statutory cost limitation of \$250,000.00 to insure a complete, useful improvement. The Federal cost limitation includes costs of all investigation, planning, engineering, supervision, inspection and administration involved in development and construction. Current federal costs are estimated at \$232,500.00.

e. Prevent future encroachment which might interfere with proper functioning of the project.

f. Comply with Section 601 of Title VI of the Civil Rights Act of 1964 (Public Law 88-352) to the end that no person shall be excluded from participation in, denied the benefits of or subjected to discrimination in connection with the project on the grounds of race, creed, or national origin.

g. Comply with the requirements of non-Federal cooperation specified in Sections 210 and 305 of Public Law 91-646, approved 2 January 1971, entitled "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970".

2. The Tribe hereby gives the Government a right to enter upon, at reasonable times and in a reasonable manner, lands which the Tribe owns or controls, for access to the project for the purpose of inspection. If inspection shows that the Tribe for any reason is failing to operate, repair, manage or maintain the project in accordance with the

assurances hereunder and has persisted in such failure after a reasonable notice in writing by the Government delivered to Tribe officials, then the Government may enter upon said lands to operate, repair, manage and/or maintain the Project and bill the Tribe for costs incurred. No operation, repair, management or maintenance by the Government in such event shall operate to relieve the Tribe of responsibility to meet its obligations as set forth in paragraph 1 of this agreement, or to preclude the Government from pursuing any other remedy at law or equity.

IN WITNESS WHEREOF, the parties hereto have executed this contract as of the day and year first above written.

THE UNITED STATES OF AMERICA

THE PASSAMAQUODDY TRIBE

By: Thomas A. Rhen
THOMAS A. RHEN
Colonel, Corps of Engineers
Division Engineer
Contracting Officer

By: Cliv Dore
CLIV DORE
Tribal Governor

Date: 11 Aug 86

Mary Soboy-Yarmal
Mary Soboy-Yarmal
Lt. Governor

Val Emery
Val Emery
Council Member

Mary George-Sappier
Mary George-Sappier
Council Member

Clayton Cleaves
Council Member

Madonna Soctomah
Madonna Soctomah
Council Member

Hartley Nicholas
Hartley Nicholas
Council Member

Calvin J. Nicholas
Calvin J. Nicholas
Council Member

CERTIFICATION

I _____, certify that I am the Tribal Counsel of the Passamaquoddy Tribe, Pleasant Point, Perry, Maine, named herein, which is a legally constituted Indian Tribe with full authority and legal capacity to perform the terms of the agreement between the United States of America and the Passamaquoddy Tribe in connection with the above-described emergency shoreline protection project, and to pay damages, if necessary, in the event of failure to perform in accordance with Section 221 of Public Law 91-611; that the persons who have executed the contract on behalf of the Passamaquoddy Tribe have acted within their authority; and that this agreement is enforceable between the parties in the United States District Court.

IN WITNESS WHEREOF, I have made and executed this certificate this 25th day of July, 1986.


Tribal Counsel

CERTIFICATION

I, Mary J. Smith, do hereby certify that I am the Tribal Clerk of the Passamaquoddy Tribe, Pleasant Point, Perry, Maine, named herein; that Cliv Dore, who signed this agreement on behalf of the Passamaquoddy Tribe, was then and there the duly elected and qualified Governor of the Passamaquoddy Tribe by virtue of a Tribal Election vote dated September 4,, 1984; and that Mary Socoby-Yarmal was Lieutenant Governor, Clayton Cleaves, Madonna Soctomah, Calvin Nicholas, Valerie Emery, Joseph H. Nicholas, and Mary George-Sappier were members of the Tribal Council, and William J. Dore was Tribal Counsel on the date of execution and approval of this agreement.

William J. Dore

Tribal Clerk

APPENDIX C

INSPECTION REPORT FORMS

DESIGNATION OF SUPERINTENDENT

Name Of Project: _____

Location: _____

MAINTAINING MUNICIPAL AGENCY:

Agency: _____

Address: _____ Tel. No. _____

"SUPERINTENDENT" - as required by Section 208.10 (a) (2), Chap II,
Title 33 USC

Name & Title: _____

Employed by: _____

Business Address: _____

Business Tel. No: _____

Nights, Sundays, Address: _____

Nights, Sundays, Tel. No: _____

Remarks:

Signed _____

Title: _____

Date: _____

NOTE: To be submitted and updated as necessary by the responsible agency which will maintain and operate the works in accordance with regulations prescribed by the Secretary of the Army as required by law (Title 33, Chap. 208, Sec II, USC).

LOCAL FLOOD PROTECTION PROJECT INSPECTION REPORT

Project:

Maintaining Agency:

Type Inspection: _____ Semi-Annual Staff _____ 90 Day Interim

River Basin:

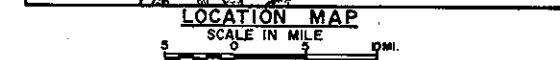
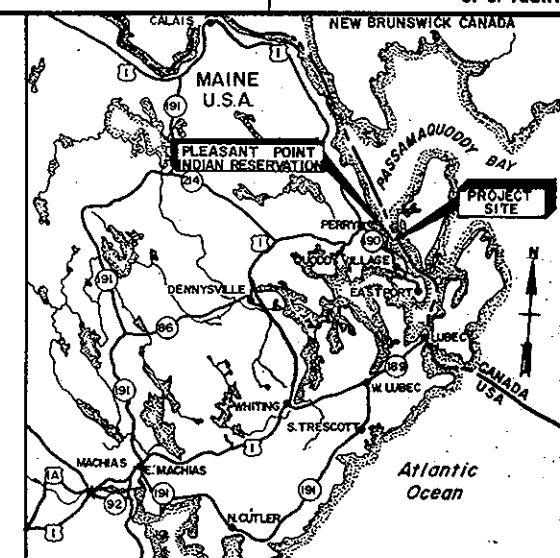
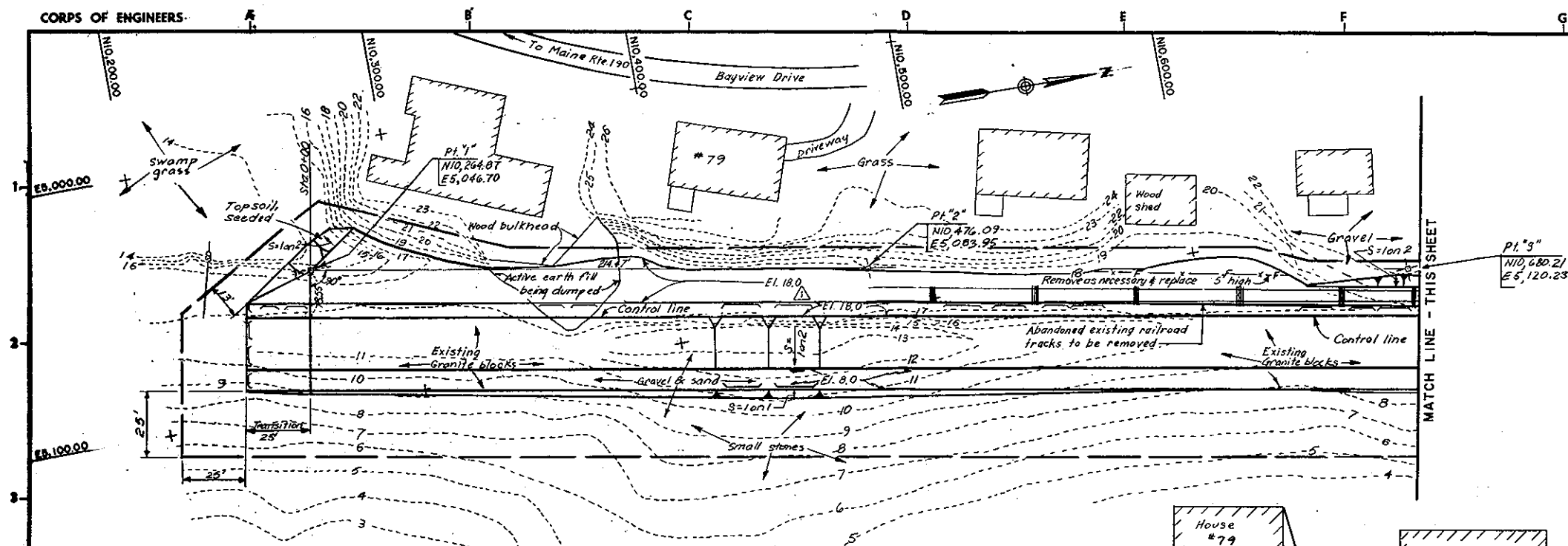
Date of Inspection

Feature	Sat	Uasat	Deficiencies
PUMPING STATIONS - STRUCTURES			
INTERIOR			
EXTERIOR			
PUMPS - MOTORS - ENGINES			
TRIAL OPERATED			
GENERAL CONDITION			
POWER SOURCE			
INSULATION TESTS			
METAL INTAKES/OUTLETS			
GATE VALVES			
GATES - DRAINAGE STRUCTURES			
TRIAL OPERATED			
GENERAL CONDITION			
LUBRICATION			
GENERAL CONDITION			
SLOPES/EROSION			
SAND BOILS/CAVING			
TRESPASSING			
SLOPE PROTECTION			
DRAINS			
STOP-LOGS - LOG BOOM			
CONDITION OF LOGS			
AVAILABILITY OF LOGS			
HIGHWAY SLOTS			
STORAGE FACILITIES			
CHANNELS - OUTLET WORKS CHANNEL			
BANKS			
OBSTRUCTION CONTROL			

Feature	Sat	Unsat	Deficiencies
CONCRETE STRUCTURES			
SURFACE			
SETTLEMENT			
JOINTS			
DRAINS			
MISCELLANEOUS			
EMERGENCY OPER. PLAN			
EMERGENCY EQUIPMENT			
SEMI-ANNUAL REPORT			
Inspection Party: Photographs Taken: Remarks & Additional Comments: (Indicate Here Observations, Discussions, Specific Feature Deficiencies, Recommendations and any other pertinent information. Use Continuation Sheet if necessary.)			
X ALL APPLICABLE ITEMS. IF UNSAT INDICATE SPECIFIC DEFICIENCIES. INDICATE IF NOT APPLICABLE.			
DATE	INSPECTED BY: TYPED NAME & TITLE		SIGNATURE

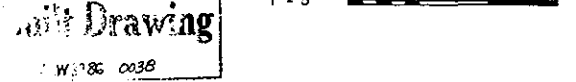
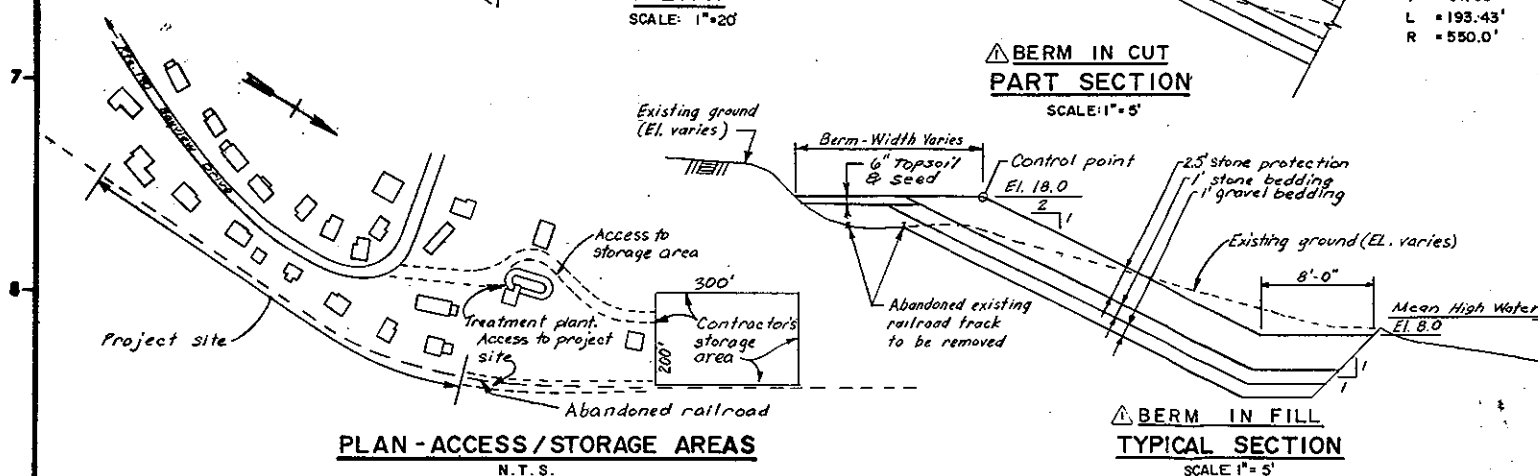
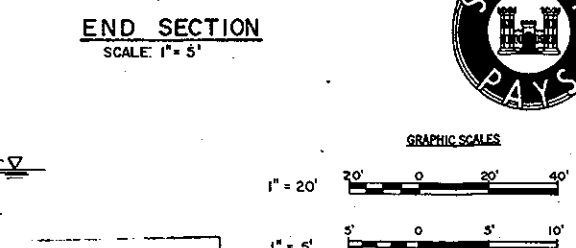
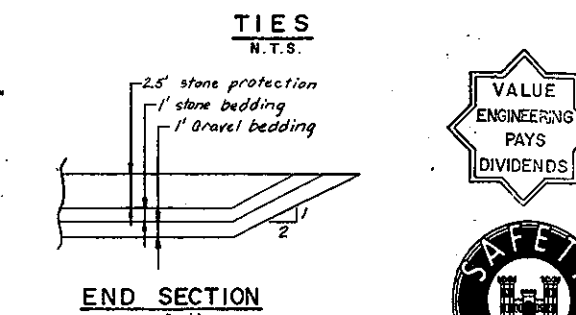
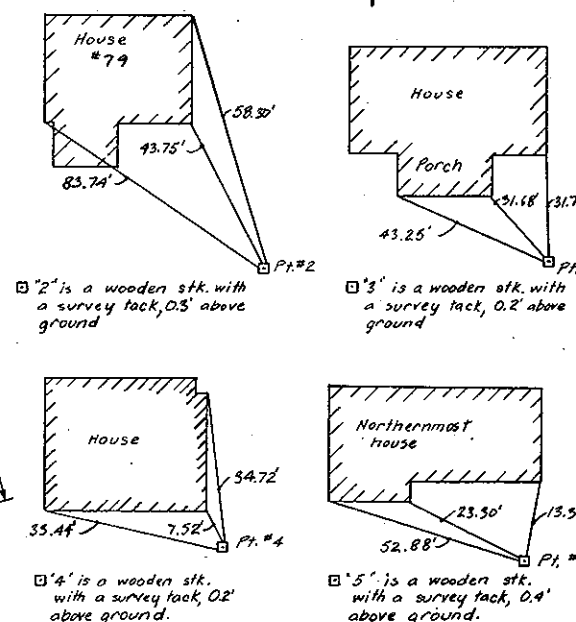
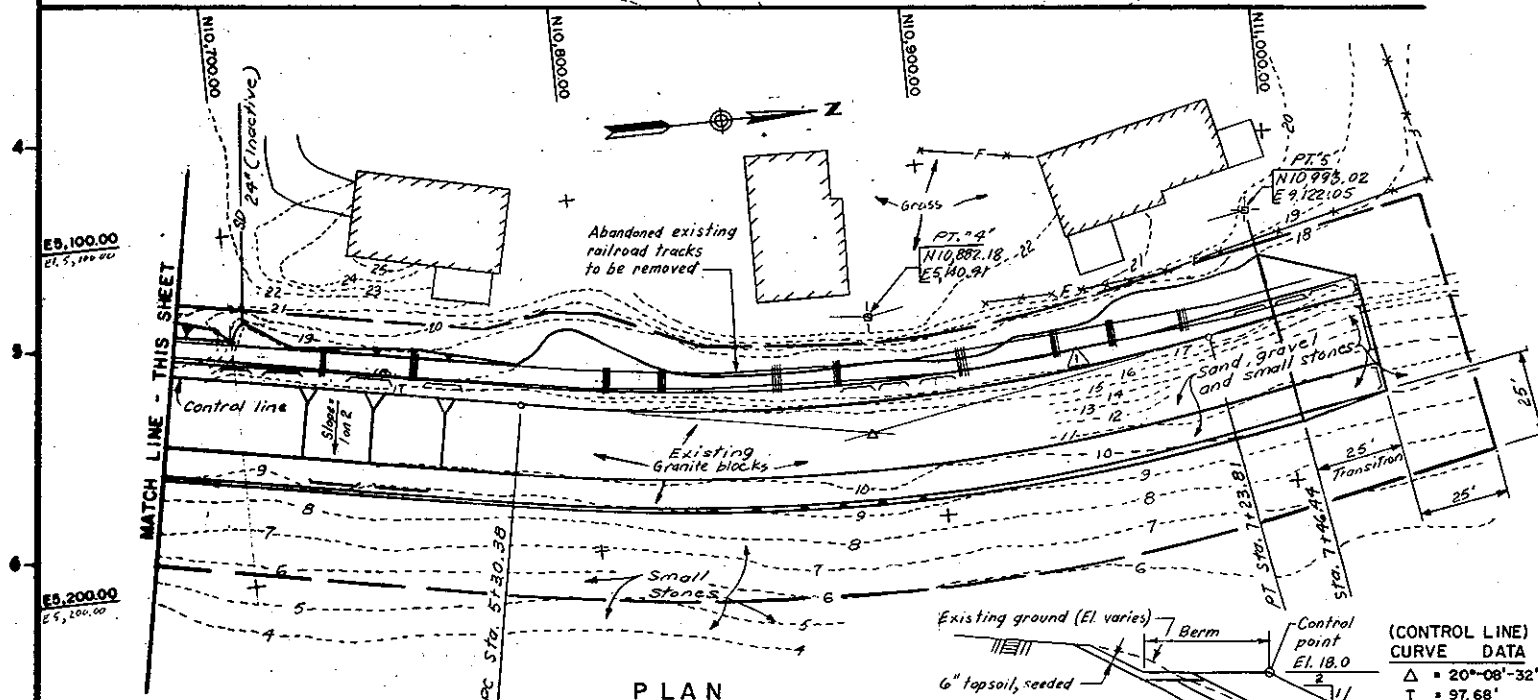
APPENDIX D

AS-BUILT DRAWINGS



NEW	EXISTING	DESCRIPTION
---	---	Contours
-X-X-	-X-X-	Fence
---	---	Limits of stone protection
---	---	Storm drain
---	---	Earth cut
---	---	Earth fill and slope symbol
---	---	Limit of Contractor's Work Area

- NOTES:**
- Topography from survey of April, 1986.
 - Vertical control (for the survey and construction) is based upon a National Geodetic Survey Monument stamped "C 202 1978" Description: "0.1 mile south along U.S. Highway 1 from the post office at Perry, thence 2.0 miles southeast along State Highway 190, at the Village of Pleasant Point, 203.9 feet southwest of the centerline of highway, 150.7 feet southwest of a power pole, 85.2 feet southwest of the southwest corner of a wood frame house under construction at this time, 87.5 feet southeast of the south corner of a one story brick house, 24.7 feet slope distance southwest of the northeast edge of outcrop, 20 feet above highway 4 feet below top of outcrop 3 feet south of a witness post." The elevation is 43.95' N.G.V.D.
 - Horizontal control is local and is based on base-line (pts. 2 thru 5) shown on the drawing.
 - All access to the Storage Area shall be from Bay View Drive, using the existing gravel road.
 - The project site shall be accessed through the Storage Area.
 - Remove existing granite blocks within the limits of new work.



9-20-88 Final field corrections		11-18-86 Berm material changed	
REVISION	DATE	DESCRIPTION	BY
DEPARTMENT OF THE ARMY NEW ENGLAND DIVISION CORPS OF ENGINEERS WALTHAM, MASS.			
WATER RESOURCES DEVELOPMENT PROJECT PERRY, MAINE			
EMERGENCY SHORELINE PROTECTION PLAN AND SECTIONS			
APPROVED: <i>[Signature]</i>		DATE: JULY, 1986	
SCALE: AS SHOWN		SPEC. NO. DA-W33-86-2-0031	
DRAWING NUMBER		PER - 1	
SHEET 1			